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# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
RB-125 SEQ

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**NUCLEIC ACID SEQUENCES ENCODING TYPE III TENEBRIO ANTIFREEZE PROTEINS AND METHOD  
FOR ASSAYING ACTIVITY**

and invented by:

Kathleen L. Horwath et al.

JC872 U.S. PTO  
09/876796  
06/07/01

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 226 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)

a. ☒ Formal      b. ☐ Informal      Number of Sheets      131

4. ☒ Oath or Declaration

a. ☒ Newly executed (original or copy)      ☐ Unexecuted

b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)

c. ☒ With Power of Attorney      ☐ Without Power of Attorney

d. ☐ DELETION OF INVENTOR(S)

Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).

☐ Incorporation By Reference (usable if Box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Computer Program in Microfiche

7. ☒ Genetic Sequence Submission (if applicable, all must be included)

a. ☒ Paper Copy

b. ☒ Computer Readable Copy

c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8. ☒ Assignment Papers (cover sheet & documents)

9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee)

10. ☐ English Translation Document (if applicable)

11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Acknowledgment postcard

14. ☒ Certificate of Mailing

☐ First Class      ☒ Express Mail (Specify Label No.): EL184397198US

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## Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

16. ☒ Small Entity Statement(s) - ~~Specify Number of Statements Submitted:~~ <sup>Not required</sup> Applicant claims small entity status

17. ☐ Additional Enclosures (please identify below):

## Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

- ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

## Warning

**An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.**

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## Fee Calculation and Transmittal

### CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	40	- 20 =	20	x \$9.00	\$180.00
Indep. Claims	11	- 3 =	8	x \$40.00	\$320.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$355.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$855.00

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 19-0077 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$855.00 as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

6/7/01

Signature

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Kathleen L. Horwath et al.

Docket No.

RB-125 SEQ

Serial No.

Filing Date

Examiner

Group Art Unit

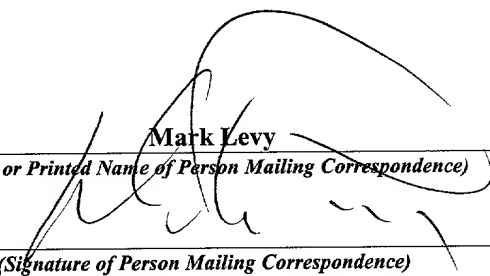
Attention: **NUCLEIC ACID SEQUENCES ENCODING TYPE III TENEBRIO ANTIFREEZE PROTEINS  
AND METHOD FOR ASSAYING ACTIVITY**

I hereby certify that this Patent Application, Sequence Listings, Formal Papers, Drawings, Postcard*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.

20231-0001 on

June 7, 2001*(Date)*Mark Levy*(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)*EL184397198US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kathleen L. Horwath et al.

Examiner:

Serial No.: (not yet assigned)

Group No.:

Filed: June 7, 2001

Date: June 7, 2001

Title: NUCLEIC ACID SEQUENCES ENCODING TYPE III TENEBRIO  
ANTIFREEZE PROTEINS AND METHOD FOR ASSAYING ACTIVITY

Assistant Commissioner for Patents  
Washington, D.C. 20231

SUBMISSION OF "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY

Sir/Madame:

Submitted herewith are:

A. "Sequence Listings" for the nucleotide and/or amino acid sequences in this application, each "Sequence Listing" is assigned a separate identifier as required in 37 CFR Sections 1.821(c) and 37 CFR Sections 1.822 and 1.823;

B. A copy of each "Sequence Listing" submitted for this application in computer readable form in accordance with the requirements of 37 CFR Sections 1.821(e) and 1.824;

C. The following statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same as required in 37 CFR Section 1.821(f).

I hereby state that the information recorded in computer readable form is identical to the written sequence listing.

102090 96292850

Respectfully submitted,

By: \_\_\_\_\_

Mark Levy  
Reg. No. 29,188  
Attorney for Applicants  
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Binghamton, NY 13901

CERTIFICATE OF EXPRESS MAILING

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